

**200: Definitions**

For the purposes of this Manual, the following definitions will apply:

**201 Abuse**

Willful infliction of injury, unreasonable confinement, intimidation, cruel punishment with resulting physical harm, pain, or mental anguish; or willful deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

**203 Area Agency on Aging or AAA**

A public or private nonprofit agency designated by the IDoA in a planning and service area which is responsible for developing and administering an area plan for a comprehensive and coordinated system of services for caregivers and persons over the age of sixty.

**205 Area Plan**

A plan developed by an area agency on aging for its relevant planning and service area as set forth in the Older Americans Act.

**207 Case**

Each inquiry or allegation brought to, or initiated by, the LTCOP on behalf of a resident or group of residents involving one or more complaints or problems which requires opening a case file and which includes ombudsman investigation, fact gathering, development and implementation of a resolution strategy in keeping with Chapter 500 of this Manual.

**209 Community Education**

Presentations to community groups or to groups of residents or families on long term care issues.

**211 Complaint**

A concern or allegation regarding action, inaction, or decisions that may or has adversely affected the health, safety, welfare, or rights of one or more residents that is brought to the attention of, or initiated by, the LTCOP for action.

**213 Conflict of Interest**

A competing interest, obligation, or duty which compromises, influences, interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, activities, or conduct of the LTCO in faithfully and effectively fulfilling his or her official duties as defined in Chapter 900 of this Manual.

**215 Date of First Action**

The date indicated by a conversation which results in a preliminary plan for either an investigation or steps to be taken toward resolution.

**217 Department or IDoA**

The Illinois Department on Aging (IDoA).

**219 Designation**

The certification and classification provided by the Office to:

- a. an individual who meets minimum qualifications, is free of conflicts of interest, has successfully completed training and other criteria stipulated in Appendix G and has been registered on the Ombudsman Registry. Designation authorizes such individual to act as a representative of the Office or in keeping with the standards of this Manual;

- b. a provider agency which meets the minimum qualifications stipulated in Section 305 of this Manual. Designation authorizes such agency as a local Ombudsman entity to operate a Regional LTCOP in a planning and service area or a specified geographic area thereof.

**221 Director**

The Director of the Illinois Department on Aging.

**223 Exploitation**

The illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

**225 Family Council Activities**

Provision of technical assistance, information, training or support to the family members of residents and/or facility staff about the development, education, work, or maintenance of a family council.

**227 Good Faith**

Evidence of performing duties in “good faith” includes, but is not limited to:

- 1: Making reasonable efforts to follow procedures set forth in applicable laws and this Manual;
- 2: Seeking and making reasonable efforts to follow direction from the Office of the State Long Term Care Ombudsman; and,
- 3: Seeking and making reasonable efforts to follow direction from the relevant Regional Ombudsman.

**229 Guardian**

Person or entity appointed by a court to exercise the legal rights and powers of another individual as specified in the court order.

**231 Immediate family**

Those persons related to an individual such as a spouse, child, sibling, parent or domestic partner.

**233 Intake Date**

The date of receipt of the information or message received by the LTCOP provider agency.

**235 Interference**

Includes, but is not limited to, the following: the infliction of physical harm; threats to inflict physical harm; intimidation; deception; tampering with physical evidence; destroying, hiding, or altering records; making false statements or encouraging others to do so; bribery or attempted bribery; retaliation; and restricting, without legal authority, the personal movements or travel of any individual, when such actions are done for the sole purpose of preventing the ombudsman from discharging his or her official duties.

**237 Inquiry**

The provision of information to individuals on long term care or the needs and rights of long term care facility residents.

**239 In-service Education and Training**

A presentation to LTCO or long term care facility staff on long term care issues.

**241 Interagency coordination**

Activities that involve meeting or coordinating with other agencies to learn about and to improve conditions for one or more residents of long term care facilities.

**243 Issues Advocacy**

Activities supporting and promoting issues that benefit or advance the health, safety, welfare or rights of residents of long term care facilities.

**245 Legal Representative**

An agent under a valid power of attorney, provided that the agent or attorney-in-fact is acting within the scope of his or her agency; an agent under a power of attorney for health care; surrogate decision maker; or an executor, executrix, administrator, or administratrix of the estate of a deceased resident; or guardians of the person and estate.

**247 Long Term Care Facility or Facility**

Long Term Care Facility means any facility as defined by Section 1-113 of the Nursing Home Care Act, as amended by Public act 93-0241, of any skilled nursing facility or a nursing facility which meets the requirements of Section 1819 (a), (b), (c), and (d) or Section 1919 (a), (b), (c), and (d) of the Social Security Act, as amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d). Facilities or establishments with the following types of licensed beds or certified units are included in the definition:

- a. skilled nursing;

- b. skilled nursing unit of a hospital licensed facility;
- c. intermediate care;
- d. intermediate care for the developmentally disabled (intermediate care for the mentally retarded);
- e. sheltered care;
- f. assisted living;
- g. shared housing; and,
- h. supportive living - a facility established under Section 5-5.01a of the Illinois Public Aid Code.

**249 Long Term Care Ombudsman or LTCO**

Unless otherwise specified, any designated representative of the Office of the State LTCOP. Specific categories include:

- a. State Long Term Care Ombudsman (SLTCO);
- b. Regional Ombudsman (RO);
- c. Community Ombudsman (CO) [paid or unpaid];
- d. Volunteer Ombudsman (VO); and
- e. Long Term Care Ombudsman Visitor (LTCOV).

**251 Long Term Care Ombudsman Program or LTCOP**

Unless otherwise specified, "LTCOP" means the statewide long term care resident advocacy program established and operated by IDoA.

**253 Long Term Care Community Ombudsman****Community Ombudsman (paid staff)**

A person who has completed the basic training modules (Level I) and/or (Level II) advanced and four (4) hours of probationary supervision as outlined in Appendix G. Level II ombudsman have full access to resident records and works directly under the supervision of the RO. Level I ombudsman have access to resident records at the discretion of their RO.

**255 Volunteer Ombudsman**

A person who is a volunteer and who has completed the basic (Level I) training modules and four (4) hours of probationary supervision as outlined in Appendix G. Volunteer Ombudsman may also complete the advanced training (Level II). This person provides information about the LTCOP to residents and reports all complaints and issues to the Regional Ombudsman or Community Ombudsman. She or he works under the supervision of the Regional Ombudsman or Community Ombudsman.

**257 Long Term Care Ombudsman Visitor**

A person who does not investigate complaints but is a volunteer who provides information about the LTCOP to residents and reports and refers all complaints and issues to the Regional Ombudsman or Community Ombudsman. All recruitment, retention and designation of ombudsman visitors was discontinued after February 3, 2000. The city of Chicago has paid ombudsman visitors.

**259 Neglect**

The failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caregiver to provide the goods and services.

**261 Office or SLTCOP**

The Office of the State Long Term Care Ombudsman Program (SLTCOP) as established and operated by IDoA and headed by the State Long Term Care Ombudsman (SLTCO).

**263 Official Duties**

Those duties of a LTCO as set forth in applicable federal and state law and this Manual.

**265 Ombudsman Annual Services Plan**

A written plan, prepared by the Regional LTCOP, for submission to the Office and the area agency on aging, setting goals and objectives for the regional LTCOP for the following federal fiscal year.

**267 Planning and Service Area or PSA**

A geographic area of the State, as defined in the Illinois Act on Aging, that is designated by the IDoA for the purposes of planning, development, delivery, and overall administration of services under an area plan.

**269 Provider Agency**

The entity designated by the Office to operate a Regional LTCOP in a planning and service area or a specified geographic area.

**271 Record**

Any medical, social, personal and financial information maintained by any long term care facility, or by any State or local agency, pertaining to a resident of a long term care facility or to the facility.



**273 Regional Ombudsman**

A person who works full-time (35-40 hours/week) to perform LTCOP functions exclusively and who shall have no duties in the provider agency outside the scope of the LTCOP as defined in state and federal law and this Manual. S/he has the overall responsibility for the activities of the Regional LTCOP as defined in this Manual.

**275 Regional Long Term Care Ombudsman Program or Regional LTCOP**

An entity designated by the Office as a local Ombudsman entity.

**277 Registry or Ombudsman Registry**

The official listing of LTCO, maintained by the Office, who have been designated as representatives of the Office of SLTCO.

**279 Resident**

Any individual age 60 or over who is a current or former resident of any long term care facility, including individuals seeking admission to a long term care facility, if the complaint or request for information involves procedures or practices related to admission, discharge and/or the individual's entitlement to care and services under Federal and State laws and regulations.

**281 Resident Council Activities**

Provision of technical assistance, information, training or support to the residents, family members and/or facility staff about the development, education, work or maintenance of a resident council.

**283 Resident's Representative**

Any person who is knowledgeable about a resident's circumstances and has been designated by that resident in writing to represent him or her, including a resident's legal representative as defined in Section 1-123 of the Nursing Home Care Act, or the resident's legal guardian.

**285 State Long Term Care Ombudsman (SLTCO)**

A person authorized to head the SLTCOP, who meets the requirements set forth in this manual.

**287 State Long Term Care Ombudsman Program (SLTCOP)**

The Program as established and operated by the IDoA and carried out through the Office of the SLTCOP and headed by the SLTCO.

**289 Unit of Service**

One hour of time expended by a LTCO within the LTCOP.